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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,430	02/11/2004	Chris Togami	15436.12.2.1	2880
22913	7590	06/02/2005	EXAMINER	
WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER & SEELEY) 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/776,430	Applicant(s) TOGAMI ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8-11, 13-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 8, 11, 13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 9, 10 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,5,7,8 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Medina 6,556,445. Medina discloses a transceiver module 10 for use in a communications network, the module comprising: a cable receptacle 16,18 that is capable of receiving one or more cable connectors; a movable pivot lever 38 having a locking member 36, the pivot lever having a leading edge portion and configured to allow removal of the module from within a host port, wherein movement of the pivot lever manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claim 7, Medina discloses an optical transceiver module 10 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals, the module comprising: a fiber optic cable receptacle 16,18 that is capable of receiving one or more fiber optic cable connectors; and a movable pivot lever 38 having a locking member 36, the pivot lever configured to allow removal of the module from within a host port, wherein movement of the pivot

lever via a leading edge portion manipulates the locking member in a manner so as to disengage the module from within the host port.

Regarding claims 2 and 8, the moveable pivot lever is shaped so as to prevent the manipulation of the locking member when a fiber optic cable connector is disposed within the fiber optic cable receptacle.

Regarding claims 5 and 11, the moveable pivot lever is a cantilevered portion of a housing of the transceiver module.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Medina 6,556,445 in view of Gaio et al. and AAPA. Medina 6,556,445 discloses the invention substantially as claimed. Medina discloses a fiber optic transceiver module comprising: a housing portion; and a moveable pivot lever 38, wherein movement of the moveable pivot lever disengages the module from within a host port and exertion of a pulling force on the moveable pivot lever permits the module to be withdrawn from the host port; a locking member 38, formed on the pivot lever, the locking member configured to selectively engage the module within the host port, and wherein the locking member is selectively disengaged by movement of the moveable pivot lever by

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applying a force to a leading edge portion on the pivot lever. Gaio et al. does not disclose the connector being a SFP type module nor the printed circuit board having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals. However, SFP type modules are well known in the art as Evidenced by AAPA, and printed circuit boards having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals are also well known. AAPA disclose on page 3, lines 2-12 that SFP type modules have been a standard since 1998, and Gaio discloses a printed circuit board 8 having transceiver electronics and optics to convert optical signals into electrical signals or electrical signals into optical signals. Therefore, it would have been obvious to one of ordinary skill to modify the module of Gaio et al. by making the module a SFP type module to insure interoperability between different manufacturers products as taught by AAPA. And also obvious to provide transceiver electronics and optics on the circuit board to convert optical signals into electrical signals or electrical signals into optical signals as taught by Gaio et al.

Regarding claim 15, Medina further comprises a locking member 34 configured to selectively engage the module within the host port, and wherein the locking member 34 is selectively disengaged by the movement of the moveable pivot lever.

Regarding claim 16, the moveable pivot lever is a cantilevered portion of a housing of the transceiver module.

Allowable Subject Matter

Claims 3,4,9,10 and14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3,9 and 14, patentability resides, at least in part, in the connector having a biasing member that biases the moveable pivot lever in a locked position, in combination with the other limitations in the base claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-

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272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond
Primary Examiner
Art Unit 2833

May 31, 2005